

REMARKS

Claim 47 is no longer a multiple dependent claim depending on a multiple dependent claim since the earlier multiple dependent claims 44-46 have been rewritten in single dependency form. There is no increase in the number of claims since the new claims are merely duplicates of the multiple dependent claims.

Claims 14, 15, and 24 have been corrected to remove minor typographical errors.

Claim 48 stands rejected over Foehrkolb which has been overcome by deleting the word "portions". The tire treads are used intact. The advantage of the intact tread is that they can be filled with ballast-fill material which can then be compacted. This greatly enhances the overall strength of the retaining wall. It also enables a use of both cobble and finer material which are inherently stronger.

Foehrkolb shows tire segments which must be pegged together and a construction which makes it more difficult to lodge the ballast-fill material in a compact manner. It seems apparent that voids in the ballast will almost certainly appear between, under, or behind at the least some of the tire segments.

Claim 25 has been amended by adding a clause thereto in accordance with the Examiner's suggestion on page 3 of Paper No. 13. There is no new matter since the added clause is also in claim 1 and, therefore, has been considered before.

Claims 49 and 50 are canceled.

For the foregoing reasons, it is thought that the application is now in condition for allowance. However, if the Examiner believes otherwise, he is respectfully requested to

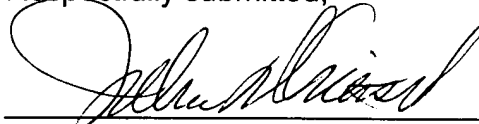
telephone the undersigned attorney before issuing a new Office Action. Any reasonably necessary amendments will be made promptly.

Reconsideration and allowance are requested.

Dated: _____

5/22/02

Respectfully submitted,



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COPY OF PAPERS
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IN THE
UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF: CALLINAN et al.

CASE: 201423-0009

SERIAL NO.: 09/428,508

FILED ON: October 27, 1999

FOR: RETAINING WALL SYSTEM

) Group Art Unit: 3673

) Examiner: F. Lagman

) COVER SHEET FOR
) "VERSION WITH MARKINGS
) TO SHOW CHANGES MADE"
) IN ACCORDANCE WITH 37
) CFR 1.121

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MARKED-UP COPY TO SHOW CHANGES

IN THE CLAIMS:

14. (TWICE AMENDED) A retaining wall as claimed in claim 12 [11] wherein the courses of the retaining wall are arrayed in a [manner as defined in claim 11] plurality of courses adjacent to the embankment wherein at lest some of the tyres are each cut:

(a) in a place between opposing side walls thereof and such that a section of the tyre remains uncut to provide a hinge for pivoting of the tyre portions thereabout, and so that the tyre can be arranged in the wall such that both side walls generally face downwards; or

(b) to remove a substantial proportion of one of the side walls wherein the removed side wall is arranged in the tyre to be adjacent to the remaining side wall, and the tyres are arranged in the wall so that the remaining uncut side wall generally faces downwards.

15. (THREE TIMES AMENDED) A retaining wall for retaining an embankment or similar structure including a reinforcing section extending rearwardly into the wall from an outer portion thereof, the reinforcing section being part of the retaining wall and being formed from:

- (a) longitudinal strips formed from tyre treads; or
- (b) conveyor belt lengths;

wherein the [trades] treads or belt lengths are joined to define a grid formation.

24. (TWICE AMENDED) A retaining wall as claimed in any one of the claims 1, 21, 22, or 23 [or 24] wherein the plurality of courses define a row and wherein a plurality of rows are arranged adjacent to the embankment.

25. (AMENDED) A method for forming a retaining wall for retaining an embankment or similar comprising the steps of:

(a) forming a base for the retaining wall adjacent to the embankment and that slopes downwardly to the embankment from surrounding ground; and

(b) arranging a plurality of tyres in a plurality of courses adjacent to the embankment and along the base, such that a central axis of each tyre in the retaining wall is inclined in both vertical and horizontal.

44. (TWICE AMENDED) A method as claimed in [either] claim 41 [or 42] wherein the elements are tyres.

46. (AMENDED) A method as claimed in claim 41 wherein the outer face of the wall is formed by using a method [as defined in claim 25] comprising the steps of:

(a) forming a base for the retaining wall adjacent to the embankment and that slopes downwardly to the embankment from surrounding ground; and

(b) arranging a plurality to tyres in a plurality of courses adjacent to the embankment and along the base.

48. (Amended) A retaining wall for retaining an embankment or similar structure including:

an outer portion formed from a plurality tyres that are arranged adjacent to the embankment with the tyres in the outer portion having an intact tread [portion]; a

reinforcing section extending rearwardly into the wall from the outer portion and being

formed from:

- (a) longitudinal strips formed from tyre treads; or
- (b) conveyor belt lengths.

49. (CANCELED)

50. (CANCELED)

53. (NEW) A method as claimed in claim 42 wherein the elements are tyres.

54. (NEW) A method as claimed in claim 53 wherein at least some of the tyres have an intact tread portion.